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Attorneys for Receiver
ROBB EVANS & ASSOCIATES LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

HEALTH FORMULAS, LLC, a California
limited liability company, also doing business
as SIMPLE PURE NUTRITION, et al.,

Defendants.

Case No. 2:14-cv-01649-RFB-GWF

**[PROPOSED] ORDER GRANTING
MOTION FOR APPROVAL AND
PAYMENT OF FEES AND EXPENSES OF
THE RECEIVER AND ITS
PROFESSIONALS FOR THE PERIOD
FROM FEBRUARY 1, 2015 THROUGH
AUGUST 31, 2015 AND FOR ORDER
GRANTING LIMITED NOTICE UNDER
LOCAL RULE 66-5**

The matter of the Motion for Approval and Payment of Fees and Expenses of the Receiver and Its Professionals for the Period from February 1, 2015 Through August 31, 2015 and for Order Granting Limited Notice Under Local Rule 66-5 ("Fee Motion") filed by Robb Evans & Associates LLC ("Receiver"), initially appointed Temporary Receiver ("Receiver") in this action pursuant to the Court's Order Granting Ex Parte Motion for Temporary Restraining Order (#5) and Appointing Receiver (#9) ("Temporary Restraining Order") issued October 9, 2014 (Doc. No. 12)

1 and whose appointment was continued under the Stipulated Preliminary Injunction as to
2 Defendants Chapnick, Smukler & Chapnick, Inc., Brandon Chapnick and Keith Smukler
3 ("Stipulated Preliminary Injunction") issued November 17, 2014 (Doc. No. 61) and the Court's
4 Opinion and Order ("Miller Preliminary Injunction") issued May 6, 2015 (Doc. No. 149), came on
5 regularly for determination before the Honorable Richard F. Boulware, II, United States District
6 Judge presiding. The Court having reviewed the Fee Motion, and oppositions or responses to the
7 Motion, if any, and good cause appearing therefor,

8 IT IS ORDERED that:

9 1. The Fee Motion and all relief sought therein is hereby granted;

10 2. Without limiting the generality of the foregoing:

11 A. The receivership fees and expenses incurred for the period from February 1, 2015
12 through August 31, 2015 ("Expense Period"), are approved and authorized to be paid, including
13 the fees of the Receiver, the Receiver's members, deputies, agents, staff and professionals, and
14 costs incurred during the Expense Period in the total sum of \$189,701.72, including the fees of the
15 Receiver, its members, deputies, agents and staff in the sum of \$68,008.78, the Receiver's
16 expenses in the sum of \$56,334.50, including the fees and expenses for tax preparation incurred to
17 the Receiver's accountants Squar, Milner, Peterson, Miranda & Williamson, LLP, and the
18 Receiver's legal fees and expenses in the total sum of \$65,358.44, including fees of \$62,545.95
19 and expenses of \$2,153.44 for a total of \$64,699.39 incurred for the services of the Receiver's lead
20 counsel Dentons US LLP, and fees of \$337.50 and expenses of \$321.55 for the services of the
21 Receiver's local counsel in Nevada, Kolesar & Leatham, Chtd., in the total sum of \$659.05;

22 B. The total Receiver's fees and expenses of \$189,701.72 incurred during the Expense
23 Period shall be paid as follows: (1) the following shall be allocated to and paid from funds
24 transferred into the estate from accounts of defendant Chapnick, Smukler & Chapnick, Inc.
25 ("CSC"): (a) Receiver's fees incurred for the services of the Receiver's deputy Flora Jen only for
26 the Expense Period in the amount of \$8,984.70; and (b) 1% of the fees and costs incurred for the
27 services of the Receiver, less the fees incurred for Flora Jen's time and the expenses incurred to the
28 Receiver's accountants for tax preparation (\$610.74), and for the services of the Receiver's lead

1 and local counsel for the entire Expense Period (\$653.58), for a total allocation to CSC of
2 \$10,249.02; and (b) all remaining Receiver's fees and expenses and fees and expenses of the
3 Receiver's counsel approved and authorized to be paid pursuant to this Order shall be allocated to
4 and paid from all other funds of the receivership estate other than funds transferred into the estate
5 by CSC; and

6 C. Notice of the Fee Motion is hereby deemed to be sufficient under Local Civil Rule
7 66-5 based on the Receiver's service of the Notice of Filing of the Fee Motion and the Fee Motion
8 on all parties and service of the Notice of Filing of the Fee Motion on all known non-consumer
9 creditors of the estate concurrent with the filing of the Fee Motion with the Court.

10
11 Dated: December 1, 2015.



RICHARD F. BOULWARE, II
United States District Court Judge

CERTIFICATE OF SERVICE

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 300 S. Grand Avenue, Suite 1400, Los Angeles, CA 90071.

On October 23, 2015, I served the **[PROPOSED] ORDER GRANTING MOTION FOR APPROVAL AND PAYMENT OF FEES AND EXPENSES OF THE RECEIVER AND ITS PROFESSIONALS FOR THE PERIOD FROM FEBRUARY 1, 2015 THROUGH AUGUST 31, 2015 AND FOR ORDER GRANTING LIMITED NOTICE UNDER LOCAL RULE 66-5** upon the parties and/or counsel listed and by the methods indicated on the attached Service List.

I declare upon the penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed on October 23, 2015, at Los Angeles, California.

/s/ Christina O'Meara
Christina O'Meara

SERVICE LIST

The following CM/ECF participants were served by electronic means on October 23, 2015:

- **Bryan C Altman**
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- **Gary Owen Caris**
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- **Blaine T Welsh**
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The following non-CM/ECF participants were served by first-class mail, postage prepaid on October 23, 2015:

PARTY IN INTEREST

Eve Lee, CPA
Board of Equalization
Legal Division-Special Operations
450 N. Street, MIC 55
Sacramento, CA 95814